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Message Text

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ORIGIN NEA-10

INFO OCT-01 EUR-12 ISO-00 L-03 EB-08 COME-00 SIG-01
H-01 CIAE-00 INR-07 NSAE-00 STR-05 TRSE-00 OMB-01
/049 R

DRAFTED BY NEA/RA:DTMORRISON:YW
APPROVED BY NEA:SSOBER
L/NEA:DSMALL
EB:TSCHLENKER
NEA/RA:HPRECHT
USDOC:SMARCUSS
USDOC:KKNOWLES
USDOC/CAGNE:PHALE
----------008712 240909Z /15
R 240204Z DEC 77
FM SECSTATE WASHDC
TO AMEMBASSY KUWAIT
USINT BAGHDAD
AMEMBASSY DOHA
INFO AMEMBASSY AMMAN
AMEMBASSY ABU DHABI
AMEMBASSY BEIRUT
AMEMBASSY CAIRO
AMEMBASSY ATHENS
AMEMBASSY DAMASCUS
AMEMBASSY JIDDA
AMEMBASSY MANAMA
AMEMBASSY MUSCAT
AMEMBASSY SANA
AMEMBASSY TRIPOLI
AMCONSUL DHAHRAN
AMCONSUL ALEXANDRIA

C O N F I D E N T I A L STATE 306950

E.O. 11652: GDS
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TAGS: ETRD

SUBJECT: ARAB BOYCOTT: USDOC INTERPRETATION OF EXPORT
ADMINISTRATION ACT

REF: A) KUWAIT 5776; B) BAGHDAD 1403; C) DOHA 999;

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D) KUWAIT 6908; E) BAGHDAD 2028 F) DOHA 1137

1. NUMBER OF REQUESTS HAVE BEEN RECEIVED AS TO WHETHER PARTICULAR CERTIFICATIONS OR ACTIONS IN CONNECTION WITH CURRENT COMMERCIAL PRACTICES (OR PROPOSED CHANGES IN THOSE PRACTICES) WOULD BE CONSISTENT WITH USDOC INTERPRETATION OF EXPORT ADMINISTRATION ACT AMENDMENTS RELATING TO FOREIGN BOYCOTT PRACTICES.

2. WE APPRECIATE RECEIPT OF THESE INQUIRIES WHICH SHOULD HELP TO FOCUS USDOC ATTENTION ON SPECIFIC TYPES OF PROBLEMS IN CURRENT PROCESS OF PREPARING FINAL REGULATIONS. WE ARE NOT ABLE, HOWEVER, TO PROVIDE AD HOC RESPONSES TO PARTICU-LAR QUESTIONS AT THIS STAGE OF EVENTS.

3. IN GENERAL, WE BELIEVE POSTS WILL BE WELL ADVISED TO URGE GOVERNMENT OFFICIALS, PRIVATE BUYERS, BANKS AND U.S. FIRMS TO AIM AT PUTTING TRANSACTIONS ON TERMS WHICH ARE COMMON TO NORMAL COMMERCIAL TRANSACTIONS IN OR WITH COUNTRIES WHICH ARE NOT ENGAGED IN BOYCOTT ACTIVITIES. USE OF POSITIVE CERTIFICATIONS OF COUNTRY ORIGIN, STATEMENTS OF COMPANY EXPERIENCE/QUALIFICATIONS, LETTER OF CREDIT CONDITIONS, ETC., WHICH ARE IN COMMON USE IN NON-BOYCOTT SITUATIONS GENERALLY SHOULD RAISE FEW PRO-BLEMS FOR U.S. FIRMS DOING BUSINESS IN BOYCOTTING COUNTRIES.
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4. POSTS SHOULD DISCOURAGE EFFORTS BY FOREIGN BUYERS OR BANKERS TO DEVELOP "GREY AREA" CERTIFICATIONS OR PRACTICES LIKELY TO RAISE DIFFICULT ISSUES OF INTERPRE-TATION (WHICH MIGHT BE RESOLVED ONLY ON BASIS OF CASE-BY-CASE CONSIDERATION OF ALL CIRCUMSTANCES IN WHICH PARTICULAR UNDERTAKING HAS BEEN MADE).

5. IT IS PREFERABLE FOR FOREIGN BUYERS IN DECIDING WHETHER THEY CAN DEAL WITH A U.S. FIRM CONSISTENT WITH HOST COUNTRY LAWS TO DETERMINE FIRM'S ELIGIBILITY THEMSELVES WITHOUT ATTEMPTING TO DRAW U.S. FIRM OR ITS AGENT INTO THE PROCESS. SIMILARLY, IT WOULD BE ADVISABLE TO AVOID SHIPPING LANGUAGE NOT IN COMMON USE IN OTHER THAN BOYCOTTING COUNTRIES, AS QUESTIONS OF LEGALITY RAISED BY UNCOMMON LANGUAGE COULD WELL DISSUADE FIRMS FROM PURSUING BUSINESS OPPORTUNITIES IN ORDER TO AVOID RISKS/LEGAL EXPENSES.

6. SPECIFIC ISSUES RAISED IN POSTS' CABLES WILL BE CONSIDERED BY USDOC WHERE APPROPRIATE IN ITS PREPARATION OF FINAL EAA REGULATIONS. VANCE

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Message Attributes

Automatic Decaptioning: X
Capture Date: 01-Jan-1994 12:00:00 am
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Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1977STATE306950
Document Source: CORE
Document Unique ID: 00
Drafter: DTMORRISON:YW
Enclosure: n/a
Executive Order: GS
Errors: N/A
Expiration:
Film Number: D770481-0081
Format: TEL
From: STATE
Handling Restrictions: n/a
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Litigation History:
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Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 78 KUWAIT 5776, 78 BAGHDAD 1403, 78 DOHA 999
Retention: 0
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Review Event:
Review Exemptions: n/a
Review Media Identifier:
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
SAS ID: 131463
Secure: OPEN
Status: NATIVE
Subject: ARAB BOYCOTT: USDOC INTERPRETATION OF EXPORT ADMINISTRATION ACT
TAGS: ETRD
To: KUWAIT BAGHDAD MULTIPLE
Type: TE
vdkvgwkey: odbc://SAS/SAS.dbo.SAS_Docs/5a6c0efd-c188-dd11-92da-001cc4696bcc
Review Markings:
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US Department of State
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